

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53625 of 2021**

Arising Out of PS. Case No.-84 Year-2021 Thana- BHAGWAN BAZAR District- Saran

Naveen Kumar S/O Anil Puddar R/O Mohalla-Shiv Bazar, P.S-Bhagwan Bazar, District-Saran (CHAPRA).

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 05-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

According to prosecution case, the informant Dharmendra Chaoudhary has filed this case against four accused-persons including the petitioner-accused alleging that on 12.02.2021, co-accused Suraj Kumar came to him and told to accompany with him at Ram Janki Temple on the pretext of some work where the other accused-persons were present from



before. Seeing the informant, the accused persons started abusing to the informant. When the informant made protest, then co-accused persons Vijay Sah alias Vijay Prasad, Suraj Kumar and Sujit Kumar caught hold of him and petitioner-accused Navin Kumar caused injury with knife of left side of his abdomen. On alarm, neighbours assembled and took him to Sadar Hospital, Chapra from where seeing his serious condition, he was referred to Patna where his Fardbeyan was recorded.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the Annexure-2 that there has been case and counter case registered by the accused, in both the cases for the same date of the alleged occurrence. He further submits that it appears from the para 54 of the case diary that after lapses of 51 days the petitioner has been received injury by the I.O. of the case where no nature of injury was mentioned. He further submits that it appears from the injury report that the petitioner was not admitted to the hospital and injury report was prepared on 06.04.2021 and the date and time mentioned in the injury report is found to be suspicious. He further submits that in para 78 of the case diary the injury report was found to be grievous



on 30.04.2021 after lapse of 75 days and no explanation of delay for inordinate delay. He further submits that co-accused namely, Vijay Sah @ Vijay Prasad and Suraj Kumar have been granted bail by the lower court itself. The petitioner is in custody since 15.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with B. Bazar P.S. Case No. 84 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the



evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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